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SB-262 Housing element: prohousing designations: prohousing local policies. (2025-2026)

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Date Published: 05/29/2025 09:00 PM

AMENDED IN SENATE MAY 29, 2025

AMENDED IN SENATE MARCH 19, 2025

CALIFORNIA LEGISLATURE— 2025–2026 REGULAR SESSION

SENATE BILL

NO. 262

Introduced by Senator Wahab

February 03, 2025

An act to amend Section 65589.9 of the Government Code, relating to housing.

LEGISLATIVE COUNSEL'S DIGEST

SB 262, as amended, Wahab. Housing element: prohousing designations: prohousing local policies.

Existing law, the Planning and Zoning Law, requires each county and city to adopt a comprehensive, long-term general plan for the physical development of the county or city, and specified land outside its boundaries, that includes, among other specified mandatory elements, a housing element. Existing law requires the Department of Housing and Community Development to determine whether the housing element is in substantial compliance with those provisions. Existing law requires the department to designate jurisdictions as prohousing pursuant to emergency regulations adopted by the department, as prescribed. Existing law requires that jurisdictions that are prohousing and that are in substantial compliance with specified provisions be awarded additional points or preference in the scoring of applications for specified state programs. Existing law defines “prohousing local policies” for these purposes and specifies a nonexhaustive list of examples of those policies, including local financial incentives for housing and adoption of zoning allowing for use by right for residential and mixed-use development.

This bill would include in the definition of “prohousing local policies” policies that keep people housed, and would ~~specify~~ *include* additional examples of prohousing local policies under the above-described ~~provisions~~ *provisions, as specified*.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 65589.9 of the Government Code is amended to read:

65589.9. (a) It is the intent of the Legislature to create incentives for jurisdictions that are compliant with housing element requirements and have enacted prohousing local policies. It is the intent of the Legislature that these incentives be in the form of additional points or other preference in the scoring of competitive housing and infrastructure programs. It is the intent of the Legislature that, in adopting regulations related to prohousing local policy criteria, the department shall create criteria that consider the needs of rural, suburban, and urban jurisdictions and how those criteria may differ in those areas.

(b) (1) For award cycles commenced after July 1, 2021, jurisdictions that have adopted a housing element that has been found by the department to be in substantial compliance with the requirements of this article pursuant to Section 65585, and that have been designated prohousing pursuant to subdivision (c) based upon their adoption of prohousing local policies, shall be awarded additional points or preference in the scoring of program applications for the following programs:

~~(1)~~

(A) The Affordable Housing and Sustainable Communities Program established by Part 1 (commencing with Section 75200) of Division 44 of the Public Resources Code.

~~(2)~~

(B) The Transformative Climate Communities Program established by Part 4 (commencing with Section 75240) of Division 44 of the Public Resources Code.

~~(3)~~

(C) The qualifying infill area portion of the Infill Incentive Grant Program of 2007 established by Section 53545.13 of the Health and Safety Code.

~~(4)~~

(D) The qualifying infill area and catalytic qualifying infill area portions of the Infill Infrastructure Grant Program of 2019 established by Section 53559 of the Health and Safety Code.

~~(5)~~

(E) Additional bonus points may be awarded to other state programs when already allowable under state law.

(2) Any additional points or preferences awarded for a prohousing local policy described in subparagraphs (L) to (N), inclusive, of paragraph (3) of subdivision (f) shall not exceed the minimum value of points or preferences awarded for a prohousing local policy that directly relates to the planning, approval, or construction of housing.

(c) The department shall designate jurisdictions as prohousing pursuant to the emergency regulations adopted pursuant to subdivision (d) and report these designations to the Office of Planning and Research, and any other applicable agency or department, annually and upon request.

(d) (1) By July 1, 2021, the department, in collaboration with stakeholders, shall adopt emergency regulations to implement this section.

(2) Notwithstanding Section 11346.1, the emergency regulations adopted pursuant to this subdivision shall remain in effect until the date that permanent regulations to implement this section become effective.

(e) On or before January 1, 2021, and annually thereafter, the department shall publish on its internet website the list of programs included under subdivision (b).

(f) For purposes of this section, the following definitions shall apply:

(1) "Adaptive reuse" shall have the same meaning as in Section 53559.1 of the Health and Safety Code.

(2) "Compliant housing element" means an adopted housing element that has been found to be in substantial compliance with the requirements of this article by the department pursuant to Section 65585.

(3) "Prohousing local policies" means policies that facilitate the planning, approval, or construction of housing, or policies that keep people housed. These policies may include, but are not limited to, the following:

(A) Local financial incentives for housing, including, but not limited to, establishing a local housing trust fund.

(B) Reduced parking requirements for sites that are zoned for residential development.

(C) Adoption of zoning allowing for use by right for residential and mixed-use development.

(D) Zoning more sites for residential development or zoning sites at higher densities than is required to accommodate the minimum existing regional housing need allocation for the current housing element cycle.

(E) Adoption of accessory dwelling unit ordinances or other mechanisms that reduce barriers for property owners to create accessory dwelling units beyond the requirements outlined in Article 2 (commencing with Section 66314) of Chapter 13, as determined by the department.

(F) Reduction of permit processing time.

(G) Creation of objective development standards.

(H) Reduction of development impact fees.

(I) Establishment of a Workforce Housing Opportunity Zone, as defined in Section 65620, or a housing sustainability district, as defined in Section 66200.

(J) Preservation of affordable housing units through the extension of existing project-based rental assistance covenants to avoid the displacement of affected tenants and a reduction in available affordable housing units.

(K) Facilitation of the conversion or redevelopment of commercial properties into housing, including the adoption of adaptive reuse ordinances or other mechanisms that reduce barriers for these conversions.

~~(L) A residential rent stabilization ordinance.~~

~~(M)~~

~~(L)~~ A safe parking program that provides safe parking locations and options for individuals and families living in their vehicles and that does all of the following:

(i) Provides a bathroom facility and onsite security.

(ii) Establishes an application or enrollment process for the program that may include a background check requirement.

(iii) Establishes rules and regulations for the program.

~~(N)~~

~~(M)~~ A safe camping program that provides safe camping locations and options for individuals and families experiencing unsheltered homelessness.

~~(O) Funding legal services for eviction defense and eviction prevention.~~

~~(P)~~

~~(N)~~ Creation or operation of a low-barrier navigation center or other noncongregate shelter that meets minimum health and safety standards.

~~(Q) Tenant protections.~~